

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KLEIMAN & HOCHBERG, INC.,

Plaintiff,

Case No.: 07 CIV 7935 (DAB)

NOTICE OF MOTION

-against-

NOVA INT'L OF NY, INC. d/b/a HARBOR
MARKETPLACE and CENGIZ E. KAYATEKIN,

Defendants.

Upon the application for Default Judgment of Leonard Kreinces, Esq., dated the 1st day of November, 2007, the Affidavit in Support dated the 1st day of November, 2007, the Clerk's Certificate of Default, and all pleadings heretofore had herein, the undersigned shall move this Court before the Honorable Deborah A. Batts at the Courthouse located at 500 Pearl Street, New York New York, on the 21st day of November, 2007 at 10:00 o'clock in the forenoon of that day, or as soon thereafter as counsel may be heard, for an Order granting the plaintiff a default judgment against the defendant, NOVA INT'L OF NY, INC. d/b/a HARBOR MARKETPLACE and CENGIZ E. KAYATEKIN, in the amount of NINETEEN THOUSAND EIGHT HUNDRED TWENTY THREE and 00/100 (\$19,823.00) DOLLARS based upon the defendant's failure to appear in this action.

PLEASE TAKE FURTHER NOTICE, that answering affidavits, if any, are required to be filed with the Court.

served upon the undersigned at least seven (7) days prior to the return date of this motion.

Dated: Westbury, New York
November 5, 2007

Yours, etc.,

KREINCES & ROSENBERG, P.C.

By: 

LEONARD KREINCES (LK6524)
Attorneys for Plaintiff
900 Merchants Concourse, Suite 305
Westbury, New York 11590
(516) 227-6500

TO:

NOVA INT'L OF NY, INC.
d/b/a HARBOR MARKETPLACE
339 Merrick Road
Amityville, New York 11701

CENGIZ E. KAYATEKIN
c/o NOVA INT'L OF NY, INC.
d/b/a HARBOR MARKETPLACE
339 Merrick Road
Amityville, New York 11701

Z:\kreinces\1\WORK\HUNTSPPOINT\Kleiman & Hochberg\nova intl\Default Jmt.Federal NoAnswr.wpd

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KLEIMAN & HOCHBERG, INC.,

Case No.: 07 CIV 7935 (DAB)

Plaintiff,

-against-

**AFFIDAVIT FOR JUDGMENT
BY DEFAULT**

NOVA INT'L OF NY, INC. d/b/a HARBOR
MARKETPLACE and CENGIZ E. KAYATEKIN,

Defendants.

STATE OF NEW YORK)
COUNTY OF NASSAU) ss.:

LEONARD KREINCES, ESQ., being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am a member of the firm of KREINCES & ROSENBERG, P.C., attorneys for the plaintiff in the above-entitled action, and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of the plaintiff's application for the entry of a judgment against the defendants, NOVA INT'L OF NY, INC. d/b/a HARBOR MARKETPLACE and CENGIZ E. KAYATEKIN.

3. This is an action to recover the unpaid balance of NINETEEN THOUSAND EIGHT HUNDRED TWENTY-THREE and 00/100 (\$19,823.00) DOLLARS, owed by the defendants, NOVA INT'L OF NY, INC. d/b/a HARBOR MARKETPLACE and CENGIZ E. KAYATEKIN, to the plaintiff for the balance of unpaid perishable agricultural commodities. The pleadings are

annexed hereto as Exhibit "A."

4. Jurisdiction of the subject matter of this action is based upon Federal question jurisdiction.


5. This action was commenced on September 10, 2007 by the filing of the Summons and Complaint. A copy of the Summons and Complaint was personally served upon the defendants, on September 18, 2007. Copies of the affidavits of service is annexed hereto as Exhibit "B." The defendants are in default of pleading and appearance.

6. This action seeks judgment for the liquidated amount of NINETEEN THOUSAND EIGHT HUNDRED TWENTY-THREE and 00/100 (\$19,823.00) DOLLARS, plus interest at nine (9%) percent per annum from July 1, 2006, for a total as of October 31, 2007 of TWENTY TWO THOUSAND FIFTY THREE and 09/100 (\$22,053.09) DOLLARS, as shown by the annexed Statement, which is justly due and owing, and no part of which has been paid except as therein set forth.

7. The disbursements sought to be taxed have been made in this action and will necessarily be made herein.

WHEREFORE, the plaintiffs request the entry of default and the entry of the annexed Judgment against the defendants, NOVA INT'L OF NY, INC. d/b/a HARBOR MARKETPLACE and CENGIZ E. KAYATEKIN.

Dated: Westbury, New York
November 5, 2007



LEONARD KREINCES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KLEIMAN & HOCHBERG, INC.,

Case No.: 07 CIV 7935 (DAB)

Plaintiff,

-against-

STATEMENT OF DAMAGES

NOVA INT'L OF NY, INC. d/b/a HARBOR
MARKETPLACE and CENGIZ E. KAYATEKIN,

Defendants.

Principal Amount Sued for	\$19,823.00
Interest at 9% from 7/1/06 through 11/1/07	\$ 2,230.09
Costs and Disbursements:	
Clerk's Fee	\$ 120.00
Process Server fee for service	\$ 50.00
Statutory Fee	\$ 20.00
TOTAL as of November 1, 2007	\$ 22,243.09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KLEIMAN & HOCHBERG, INC.,

Plaintiff,

-against-

NOVA INT'L OF NY, INC. d/b/a HARBOR
MARKETPLACE and CENGIZ E. KAYATEKIN,

Defendants.

Case No.: 07 CIV 7935 (DAB)

CLERK'S CERTIFICATE

I, J. MICHAEL McMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on September 10, 2007 with the filing of a Summons and Complaint, and thereafter, the defendants, NOVA INT'L OF NY, INC. d/b/a HARBOR MARKETPLACE and CENGIZ E. KAYATEKIN, were served with a copy of the Summons and Complaint on September 18, 2007, and proof of such service thereof was filed with the Court.

If further certify that the docket entries indicate that the defendants, NOVA INT'L OF NY, INC. d/b/a HARBOR MARKETPLACE and CENGIZ E. KAYATEKIN, have not filed Answers or otherwise moved with respect to the complaint herein. The default of the defendants, NOVA INT'L OF NY, INC. d/b/a HARBOR MARKETPLACE and CENGIZ E. KAYATEKIN, is hereby noted.

Dated: New York, New York
November 7, 2007

J. MICHAEL McMAHON
Clerk of the Court

By:

Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KLEIMAN & HOCHBERG, INC.,

Case No.: 07 CIV 7935 (DAB)

Plaintiff,

-against-

DEFAULT JUDGMENT

NOVA INT'L OF NY, INC. d/b/a HARBOR
MARKETPLACE and CENGIZ E. KAYATEKIN,

Defendants.

This action having been commenced on September 10, 2007, by the filing of the Summons and Complaint, and thereafter, a copy of the Summons and Complaint was served on the defendants, NOVA INT'L OF NY, INC. d/b/a HARBOR MARKETPLACE and CENGIZ E. KAYATEKIN, and proof of such service having been filed with the Court, and time for the defendants, NOVA INT'L OF NY, INC. d/b/a HARBOR MARKETPLACE and CENGIZ E. KAYATEKIN, to answer the Complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against the defendants, NOVA INT'L OF NY, INC. d/b/a HARBOR MARKETPLACE and CENGIZ E. KAYATEKIN, in the liquidated amount of NINETEEN THOUSAND EIGHT HUNDRED TWENTY-THREE and 00/100 (\$19,823.00) DOLLARS, with interest at nine percent (9%) from July 1, 2006, plus costs and disbursements of this action in the amount of ONE HUNDRED NINETY AND NO/100 (\$190.00) DOLLARS amounting in all to TWENTY TWO THOUSAND TWO HUNDRED FORTY-THREE and 09/100 (\$22,243.09) DOLLARS.

Dated: New York, New York
November __, 2007

U.S.D.J.

This document was entered on the
docket on _____.